

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 4/19/2021

Cartier Saada S.A., *et al.*,

Plaintiffs,

—v—

Bank of America, N.A.,

Defendants.

21-cv-2501 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On April 13, 2021, the Defendant filed a motion to dismiss. Dkt. No. 7. Pursuant to Rule 3.F of this Court’s Individual Practices in Civil Cases, on or before April 27, 2021, Plaintiffs must notify the Court and their adversaries in writing whether (1) they intend to file an amended pleading and when they will do so or whether (2) they will rely on the pleading being attacked. Plaintiffs are on notice that declining to amend her pleadings to timely respond to a fully briefed argument in the Defendant’s April 13, 2021 motion to dismiss may well constitute a waiver of the Plaintiffs’ right to use the amendment process to cure any defects that have been made apparent by the Defendant’s briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving “unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility”).

If Plaintiffs choose to amend, Defendant may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss.

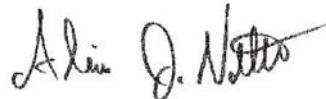
Nothing in this Order alters the time to amend, answer or move provided by the Federal

Rules of Civil Procedure or Local Rules.

The Defendant is hereby ORDERED to serve a copy of this Order on Plaintiffs.

SO ORDERED.

Dated: April 19, 2021
New York, New York



ALISON J. NATHAN
United States District Judge